

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TARIK HOOKS,

Plaintiff,

v.

KEVIN V. MINCEY,

Defendant.

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CIVIL ACTION NO. 18-3351

ORDER

AND NOW, this 14th day of December, 2018, after considering (1) the letter submitted by the *pro se* plaintiff, Tarik Hooks (Doc. No. 7), which the court has construed as a motion to reopen, (2) the attached application for leave to proceed *in forma pauperis* and prison account statement (Doc. No. 7), and (3) the complaint (Doc. No. 1), as amended by the letter; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The letter (Doc. No. 7), which the court is construing as a motion to reopen, is **GRANTED**, and this court's November 1, 2018 memorandum opinion and order dismissing the case (Doc. Nos. 5, 6) are **VACATED**;

2. The application for leave to proceed *in forma pauperis* (Doc. No. 7) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;

3. The plaintiff, Tarik Hooks, #69010-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Hooks, an initial partial filing fee of \$35.51 is assessed. The warden or other appropriate official at FCI Schuylkill or at any other prison at which Hooks may be incarcerated is directed to deduct \$35.51 from Hooks's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania,

601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3351. In each succeeding month when the amount in Hooks's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Hooks's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-3351;

4. The Clerk of Court is **DIRECTED** to **SEND** a copy of this order to the plaintiff and to the warden of FCI Schuylkill;

5. The complaint (Doc. No. 1) is **DEEMED** filed;

6. The complaint, as amended by the plaintiff's letter, is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Hooks may not file an amended complaint in this case; and

7. The clerk of court shall **CLOSE** this case.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.